IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 17076 of 2007

DATED: 10.8.2007

Between:

E.Prabhudas petitioner

And

APSRTC rep by its Managing Director
Musheerabad, Hyderabad & ors respondents

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THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 17076 of 2007

ORAL ORDER:

This writ petition is filed questioning the action of the respondents in ordering recovery of an amount of Rs.3491/- in monthly instalments from the salary of the petitioner-being surety, towards the due loan amount payable by the borrower Mr.Ch Isreal.

The petitioner is employed in the respondent corporation as Coach Builder. He stood as surety to the loan obtained by a co-employee
Mr. Ch Isreal, who was removed from service on the ground of unauthorized absence. Since the due loan amount was not paid by the original borrower, the same was sought to be recovered from the salary of the petitioner, being a surety to the said loan transaction. The petitioner claims that as per the agreement, if the borrower fails to pay the loan amount, the same shall be recovered from the terminal benefits, settlement dues of the borrower. The petitioner submitted a representation dated 16.7.2007 to the Works Manager-second respondent and the same is pending. Hence, the present writ petition.

Heard learned counsel for petitioner and learned standing counsel for respondent corporation. Both counsel agreed for disposal

of the writ petition at the admission stage.

Admittedly, the petitioner is surety to the loan obtained by the co-employee and an amount of Rs.3491/- is due and payable by the borrower. Though the petitioner contends that as per the agreement the dues any payable shall be recoverable from the terminal benefits settlement dues, the copy of the agreement is not filed. Be that as it may be, standing as surety to a borrower is purely a contractual matter and this Court cannot interfere with the same. There are no merits in the writ petition.

However, since the representation of the petitioner dated 16.7.2007 is pending with the second respondent and in view of the agreed stand taken by both the counsel, I deem it appropriate to dispose of the writ petition with the following directions.

The second respondent is directed to consider and dispose of the representation of the petitioner dated 16.7.2007 expeditiously, preferably within a period of six weeks from the date of receipt of copy of this order.

Accordingly, the writ petition is disposed of. No costs.

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N.V.RAMANA,J

DATE: 10.8.2007
TVK

THE HON'BLE MR JUSTICE N.V. RAMANA

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